

**CITY COUNCIL MEETING OF**  
*April 4, 2007*  
**VERBATIM TRANSCRIPT – ITEM 53**

**Discussion and possible action regarding litigation related to the FAA right hand turn at McCarran Airport (City of Las Vegas, Nevada, et al. v. United States Department of Transportation, et al.) – All Wards**

**Appearance List:**

OSCAR GOODMAN, Mayor  
STEVE WOLFSON, Councilman  
BRAD JERBIC, City Attorney  
BEVERLY BRIDGES, Acting City Clerk  
TOM McGOWAN, Las Vegas resident  
GARY REESE, Councilman  
LOIS TARKANIAN, Councilwoman  
TED RUSSELL, Las Vegas resident

17 minutes

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20 **MAYOR GOODMAN**

21 All right. Fifty-three is discussion and possible action regarding litigation related to the FAA  
22 right hand turn at McCarran Airport, City of Las Vegas, Nevada, et al. versus United States  
23 Department of Transportation, pertaining to all Wards. Mr. Jerbic, let's – make it brief because I,  
24 I'll be frank with you. This morning, Councilman Wolfson had a discussion with me. He is  
25 desirous of having our constituents give us their input because we are at a crossroads now as to  
26 whether or not we're going to proceed with the litigation. We've talked to Ms. Litchmann who is  
27 our attorney. She's advised us as to the chances of success. We know where we stand as far as  
28 the legal proceedings are concerned and he felt, and I'm gonna let him go into this, of course.  
29 But he felt that it'd be a good idea to move to abey it for two weeks and to have the community  
30 come forward and give us their input as to whether or not they feel we should proceed, based on  
31 the expenditure of taxpayer monies, as compared to our chances of success. And, before you  
32 start maybe, do you want to say anything further, Councilman, at this time?

33

34 **COUNCILMAN WOLFSON**

35 Well, thank you, Mayor Goodman. I think you said it best. I think that this is a turning point. I  
36 think this Council needs to make a decision as a whole body, as to whether or not we wanna  
37 continue to spend the funds to – further promote this litigation. But before we make an important  
38 decision, I think we should receive input from all of our constituents, not just mine. Because I  
39 think it's been commonly recognized that this right turn affects many, many Wards, not just my  
40 Ward. I've received many, many emails, hundreds of contacts, whether it be email, whether it be  
41 telephone communication. My liaison, Audrey, spends two hours a day speaking with  
42 constituents. But in order to give our constituents a full and fair opportunity to be heard, my  
43 suggestion was we abey this for two weeks so that we can allow them to come to Council and  
44 speak to us directly, not just my constituents, all constituents, because this affects all of us. So  
45 that would be my proposal. I would ask before we – make the motion that perhaps Mr. Jerbic  
46 you give as us a, an update as to where we stand at this point, with your permission.

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**MAYOR GOODMAN**

Please. Certainly. Yes, Mr. Jerbic.

**BRAD JERBIC**

I'll be happy to, Your Honor. Members of Council, since our last meeting, as you know, the right-hand turn went into effect, literally, one day before your last City Council meeting. Since then, my office has experienced much the same as Councilman Wolfson's office, lot of emails from people, lot of complaints from constituents. Early on there was a complaint that the FAA phone numbers that we had given out, that you had given out, Your Honor, at the press conference, were not operating and people were not accepting calls. I've called both numbers myself. It may be that their voicemail box got full of complaints, but those numbers are operational. There's a – discouraging comment at the very end of the pre-recorded message that they've left, saying something to the effect of by the way, the right hand turn is final action and the comment period is closed. People who listen to that recording should not mistake that as saying, "Don't make a comment." You need to make comments.

Let me just read briefly from our consultant George Williams with Williams Aviation, who sent us a letter a couple of days ago where he has concluded that the implementation of the right hand turn at McCarran International Airport has resulted in significant delays since it was implemented. He says air traffic delays have increased significantly. North Las Vegas departures have increased significantly. There's more delays at the North Las Vegas Airport. They have to now coordinate with McCarran for when these light aircraft take off. Currently they are spacing the aircraft about eight miles apart before allowing another plane to make a right hand turn. What that – is doing is it's increasing – delays, time on the runway and he says that during a 60 day evaluation period, now I'll read this directly. When the 60 day evaluation period is over, the departures will be allowed to depart with the minimum in-trail spacing of three nautical miles. The way I read that and based on my conversations with George is that at the end of this evaluation period, which the FAA says there is no evaluation period, our consultant says there is. At the end of this evaluation period, there's gonna be more right hand turns with fewer, less space between, so you expect more planes and more noise. That is the update that I have for

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76 you right now. If we decide to go forward with the lawsuit, we can discuss it at the next meeting.  
77 The City's brief is due May 31<sup>st</sup> and the end of the briefing schedule has us turning in our reply  
78 brief sometime in early August.

79  
80 **MAYOR GOODMAN**

81 All right. Thank you. I think, if the Councilman's motion is granted, I – think we should advise  
82 the public that I did have a conversation with Ms. Litchmann who is our lawyer because I think  
83 it's important that when they come to address us, that they have this background in mind, that the  
84 chances. The way, and the – way she explained it was, her desire at the inception of the – action  
85 was to get the case in a posture where the FAA would begin to speak to the City of Las Vegas  
86 and try to resolve the issue, short of a total victory of stopping the right hand turn, but working  
87 out something that everybody could live with. That did not take place. And the FAA went to the  
88 Ninth Circuit Court of Appeals which is the court of original jurisdiction in issues likes this and  
89 sought, we – sought preliminary injunction against the FAA in the Ninth Circuit Court of  
90 Appeals. And they denied that. That was not something that would surprise anybody who's a  
91 lawyer that, very, very difficult to get that on. And there was no expectation that we would be  
92 successful other than on a wish and a prayer. However, we hoped that during those –  
93 proceedings we would be able to get involved in a dialogue and try to resolve this and that did  
94 not take place. I asked her pretty point-blank what our chances of success would be because now  
95 we're talking about a total win. We're not talking about a resolution. We're trying to ease the  
96 situation. The chances for a total win to stop the right hand turn, she – estimated was between, at  
97 the very best, 15 to 20 percent. So the public should know that and the expenditure, in order to  
98 seek that potential, on a 15 to 20 percent basis, probably will be what we authorized, initially.  
99 That was, I think \$327,000, all told, which included the expert that Mr. Jerbic made reference to,  
100 that's Mr. Williams as well as all the work which would be necessary to get the brief on file and  
101 to be prepared to argue the case before the Circuit. And I think the public has to know that, in  
102 anticipation of addressing us with their desires.

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103 **COUNCILMAN WOLFSON**

104 Mayor Goodman.

105

106 **MAYOR GOODMAN**

107 Yes.

108

109 **COUNCILMAN WOLFSON**

110 If you don't mind.

111

112 **MAYOR GOODMAN**

113 Not at all.

114

115 **COUNCILMAN WOLFSON**

116 Mr. Jerbic, a question. Does Ms. Litchmann, our – legal counsel, that's out of California, does  
117 she communicate with Mr. Williams on a regular basis?

118

119 **BRAD JERBIC**

120 Absolutely.

121

122 **COUNCILMAN WOLFSON**

123 Are they working together on this?

124

125 **BRAD JERBIC**

126 The three of us coordinate regularly. And – her office is in regular contact with Mr. Williams.

127

128 **COUNCILMAN WOLFSON**

129 We've – heard from Ms. Litchmann. She's certainly appeared before us at Council. We've had  
130 some conversations with her telephonically, but maybe it would be prudent to invite Mr.

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131 Williams to appear at our next meeting. I'm gonna leave that up to you, with your permission,  
132 Mayor Goodman, up to you, Mr. Jerbic –

133

134 **MAYOR GOODMAN**

135 That's fine.

136

137 **COUNCILMAN WOLFSON**

138 But it might be insightful. He's our expert. He's the one that our lawyer's relying on for data, so  
139 perhaps Mr. Williams could appear at our next meeting. And then, what I'd like to do is suggest  
140 that we have a time certain for this matter –

141

142 **MAYOR GOODMAN**

143 All right.

144

145 **COUNCILMAN WOLFSON**

146 Because there may be a number of persons that wanna come and speak and –

147

148 **MAYOR GOODMAN**

149 Time certain don't mean much, but we'll, let's have a time certain of 11:30. It's a morning  
150 matter. And we'll just go as long as we have to go.

151

152 **COUNCILMAN WOLFSON**

153 Okay and then, fine –

154

155 **MAYOR GOODMAN**

156 Yes, Mrs. Bridges.

157

158 **BEVERLY BRIDGES**

159 May I clarify? Do you want a time certain, which means when you reach that time –

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160   **MAYOR GOODMAN**

161   Yes –

162

163   **BEVERLY BRIDGES**

164   – the meeting changes –

165

166   **MAYOR GOODMAN**

167   – we will call –

168

169   **BEVERLY BRIDGES**

170   Or just not to be heard before.

171

172   **MAYOR GOODMAN**

173   No. We will call the matter at that time.

174

175   **BEVERLY BRIDGES**

176   Okay. Thank you.

177

178   **COUNCILMAN WOLFSON**

179   And then finally, Mayor, thank you, is that I – appreciate your comments about what Ms.

180   Litchmann said and I think our public needs to know what our lawyer is telling us on our success

181   chances. But this is going to be the opportunity for members of our community to come and

182   speak directly with this Council on both sides of this issue, whether we should or should not

183   continue to spend money, so I'm going to invite people to attend this meeting.

184

185   **MAYOR GOODMAN**

186   Certainly. Did you wanna be heard?

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187 **TOM McGOWAN**

188 (inaudible) Tom McGowan, Las Vegas resident. This is not a token sale, but it is very important  
189 for you to understand that there are several factors of this entire issue, several elements that have  
190 not been included in the broad range of expression and you're getting too focused on a very  
191 narrow aperture. You make it look as though it's the City versus the FAA. That ain't the case at  
192 all. The real culprits are not here. I think you know who I'm talking about. I'll give you a clue.  
193 Who owns and controls the airport? Don't answer all at once. And where are they? The greatest  
194 pollution of air quality is on the ground at the airport. You said taxi. And you don't need, the  
195 taxi cabs are over here. You're talking about aircraft taxiing. That is the greatest pollution.  
196 There is more pollution from that than there is in all the vehicles in Clark County in a single day,  
197 added up. The greatest danger is on the ground, again taxiways, not in the air. And the right  
198 turns are a given point, are gonna be the FAA. I forgot to mention something. In what volume of  
199 flights, do you think 200 is the limit? Not when you got the amount of people coming here from  
200 all over the world. You've got a lot, with three or four or 500 flights a day on the right turn, but  
201 nobody said anything about capping it. I didn't hear any of you say that. Oh, yes, there are,  
202 there's a room for discussion here. The thing I wanna point out, most of all, you were told  
203 previously there is a viable alternative, any time you're ready. You know the number to call.

204

205 **COUNCILMAN WOLFSON**

206 Mayor Goodman, please. Mr. McGowan makes a good point, in that, and Tom, if you don't  
207 mind, Congressman, Congresswoman Shelley Berkley was very involved in the beginning. And  
208 I'm sure she's sensitive to this issue, but we have been asked for the last few weeks by our  
209 constituents in emails, and the phone calls and the et cetera, what can we do, what else can we do  
210 and we've suggested that they contact their other representatives at all levels. And I know our  
211 constituents have been doing so and I'm going to encourage them to continue to do so.

212

213 **MAYOR GOODMAN**

214 Okay. On – reflection, I'm going to ask Mrs. Bridges to set a four o'clock time certain.



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215 **COUNCILMAN WOLFSON**

216 I was gonna suggest that.

217

218 **MAYOR GOODMAN**

219 Four o'clock time certain and, you know, yes, Memphis Barbecue in the back.

220

221 **COUNCILMAN REESE**

222 We got Chicago Joe's for lunch today.

223

224 **COUNCILWOMAN TARKANIAN**

225 Mr. Mayor.

226

227 **MAYOR GOODMAN**

228 Yes.

229

230 **COUNCILWOMAN TARKANIAN**

231 I would just like to add, and every time this comes up, I add it. But it doesn't seem to be taking  
232 place in the thoughts of people or the media –

233

234 **MAYOR GOODMAN**

235 The safety issue.

236

237 **COUNCILWOMAN TARKANIAN**

238 The safety issue, yes. And also that the safety issue and the noise issue are not just what the  
239 media calls the affluent Summerlin area. It's very much in a non-affluent area in my Ward, not  
240 far from where we've had the crashes from North Las Vegas Airport. But also from people that  
241 are not whiners, these are people who have been beset upon by the widening of the freeway and  
242 the noise of the freeway coming, and now we have, and I saw this as I walked in campaigning.  
243 The noise level in their yards is absolutely atrocious and it's far above 60 decibel conversational

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244 speech. It's something that I wish people would understand, it's not trying to be portrayed, rich  
245 people who are complaining about noise. It's really some people who are not very rich at all who  
246 have not complained a whole lot, but who are being affected tremendously by this as well as they  
247 have been by the freeway noise. I wanna emphasize that for the people in Ward 1.

248

249 **COUNCILMAN WOLFSON**

250 Mayor Goodman –

251

252 **MAYOR GOODMAN**

253 Thank you.

254

255 **COUNCILMAN WOLFSON**

256 Thank you one more time.

257

258 **MAYOR GOODMAN**

259 Yes.

260

261 **COUNCILMAN WOLFSON**

262 Councilwoman, you're exactly right. You're absolutely right and I appreciate your comments.  
263 We can save this for next time, but here's just an example of the many emails I've received from  
264 persons all over the City and we're talking about many, many issues. Safety is one of them and  
265 I'm sure we're gonna hear a lot about it at our next meeting.

266

267 **COUNCILWOMAN TARKANIAN**

268 But Mister –

269

270 **MAYOR GOODMAN**

271 Yes.

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272 **COUNCILWOMAN TARKANIAN**

273 Mr. Mayor –

274

275 **MAYOR GOODMAN**

276 Yeah.

277

278 **COUNCILWOMAN TARKANIAN**

279 If I could, you remember when we went and made our visit at McCarran Airport –

280

281 **MAYOR GOODMAN**

282 Yes.

283

284 **COUNCILWOMAN TARKANIAN**

285 And what was the impression that we had? This was something that really, the idea of  
286 reinstituting this over our area came from McCarran.

287

288 **MAYOR GOODMAN**

289 No question.

290

291 **COUNCILWOMAN TARKANIAN**

292 It's, it came from McCarran and they have been the ones who have pushed it and who really,  
293 from the very beginning, indicated to us that that was what they were going to get.

294

295 **MAYOR GOODMAN**

296 Absolutely.

297

298 **COUNCILWOMAN TARKANIAN**

299 And to me that's a shame, that McCarran who's representing citizens in this area are putting this  
300 on them the way they are.

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301 **MAYOR GOODMAN**

302 Your – observation was absolutely correct. Yes, sir. Did you wanna be heard?

303

304 **TED RUSSELL**

305 Yes, sir. Good afternoon, Your Honor, Council. My name is Ted Russell, a citizen of Las  
306 Vegas. My take on this is necessarily subjective. Looking at the big picture, as far as the  
307 billboards, Carson City, I just believe that a number is being done on us. I understand the  
308 comments of Councilwoman Tarkanian as respects to McCarran, but also I believe that the feds  
309 and the FAA are doing a number on us. One of my great delights is to take a bus down the SST  
310 and watch the airlines take off, watch the planes take off because one of the greatest devices for  
311 world peace is international travel. I noticed that the planes are not taking off as quickly as they  
312 used to. I, and I also understand that it is throughout the valley. Everybody is involved. I'm  
313 very encouraged by the idea that Mr. Williams may be here. As a citizen I just would like to see  
314 more hard figures and have a sense that, of the metrics that are – harder than they are right now.  
315 And as I say, this is, to me, the Carson City, the billboards is outrageous. The FAA and perhaps  
316 McCarran's part in it is outrageous. And we should fight. Thank you.

317

318 **MAYOR GOODMAN**

319 Thank you. All right. May I have a motion, please.

320

321 **COUNCILMAN WOLFSON**

322 Sure.

323

324 **MAYOR GOODMAN**

325 Mayor Pro Tem.

326

327 **COUNCILMAN WOLFSON**

328 Oh, I'm sorry.

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329 **COUNCILMAN REESE**

330 Go ahead.

331

332 **MAYOR GOODMAN**

333 Okay.

334

335 **COUNCILMAN REESE**

336 (inaudible)

337

338 **COUNCILMAN WOLFSON**

339 Thank you, Mayor. **My motion would be to abey this item for two weeks to our next meeting**  
340 **on April –**

341

342 **BEVERLY BRIDGES**

343 18<sup>th</sup>.

344

345 **COUNCILMAN WOLFSON**

346 **18<sup>th</sup> with a time certain at four p.m.**

347

348 **MAYOR GOODMAN**

349 Very good. Let's vote, please. Post. **(Motion carried unanimously.)** Motion carries. Thank  
350 you.

351

352 **(END OF DISCUSSION)**

353 /cv; lc